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Filing date: **08/27/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051143
Party	Plaintiff Inter-Plant Patent Marketing, Inc.
Correspondence Address	Robert L. Kelly Dickinson Wright PLLC 38525 Woodward Ave., Suite 2000 Bloomfield Hills, MI 48304 UNITED STATES rkelly@dickinsonwright.com, amoscowitz@dickinsonwright.com, apelker@dickinsonwright.com
Submission	Answer to Counterclaim
Filer's Name	Robert L. Kelly
Filer's e-mail	amoscowitz@dickinsonwright.com
Signature	/Robert L. Kelly/
Date	08/27/2009
Attachments	29618_1Answer to Counterclaim POS.pdf (3 pages)(20987 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

INTER-PLANT PATENT)	Cancellation No. 92051143
MARKETING, INC.,)	
a Canadian corporation,)	Registration No. 2,927,770
)	Registration Date: February 22, 2005
Petitioner,)	
)	Mark: GISELA and Design
v.)	
)	
CONSORTIUM DEUTSCHER)	
BAUMSCHULEN, GmbH.,)	
a German corporation,)	
)	
Registrant.)	

ANSWER TO COUNTERCLAIM

Now comes Inter-Plant Patent Marketing, Inc. (hereinafter "IPPM"), by and through its attorneys, Dickinson Wright PLLC, and for its answer to Consortium Deutscher Baumschulen, GmbH's Counterclaim, states as follows:

1. Denied. IPPM states further that the mark GISELA is a fanciful term and that the subject Agreement deals with plant patent rights and does not address trademark rights.
2. Denied. IPPM states further that the Gisela mark is valid and belongs solely to IPPM.
3. Denied. IPPM states further that IPPM is the sole owner of the trademark.
4. Denied.
5. Denied.

WHEREFORE, IPPM requests that the Counterclaim be denied with prejudice and that IPPM be awarded all of its costs and attorney fees in light of answering this Counterclaim.

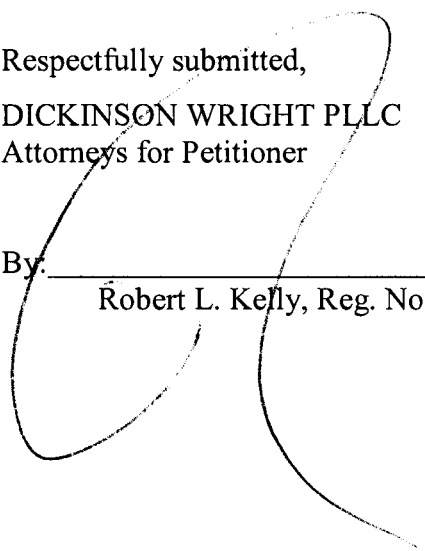
The U.S. Patent & Trademark Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 04-1061 in the name of Dickinson Wright PLLC.

Respectfully submitted,
DICKINSON WRIGHT PLLC
Attorneys for Petitioner

Date: August 27, 2009

Dickinson Wright PLLC
38525 Woodward Avenue, Suite 2000
Bloomfield Hills, MI 48304
Phone: (248) 433-7578
Fax: (248) 433-7274

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By: 
Robert L. Kelly, Reg. No. 31,843

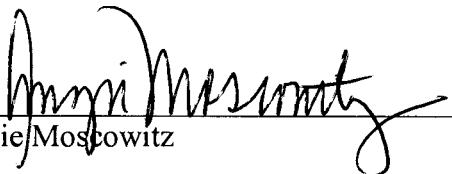
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Inter-Plant Patent Marketing, Inc.'s Answer to Counterclaim was served via First Class Mail, postage prepaid, on this 27th day of August, 2009 upon the following:

Mr. Russell D. Orkin
The Webb Law Firm
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219


Angie Moscovitz